

**BAKER & HOSTETLER LLP**

45 Rockefeller Plaza  
New York, NY 10111  
Telephone: 212-589-4200  
Facsimile: 212-589-4201  
David J. Sheehan  
[dsheehan@bakerlaw.com](mailto:dsheehan@bakerlaw.com)  
Nicholas J. Cremona  
[ncremona@bakerlaw.com](mailto:ncremona@bakerlaw.com)  
Michael A. Sabella  
[msabella@bakerlaw.com](mailto:msabella@bakerlaw.com)

*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC and  
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Adv. Pro. No. 08-01789 (SMB)

Plaintiff-Applicant,

SIPA LIQUIDATION

(Substantively Consolidated)

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively  
Consolidated SIPA Liquidation of Bernard L.  
Madoff Investment Securities LLC and Bernard L.  
Madoff,

Adv. Pro. No. 10-04362 (SMB)

Plaintiff,

v.

SAGE ASSOCIATES;

LILLIAN M. SAGE, IN HER CAPACITY AS PARTNER OR JOINT VENTURER OF SAGE ASSOCIATES AND INDIVIDUALLY AS BENEFICIARY OF SAGE ASSOCIATES;

MALCOLM H. SAGE, IN HIS CAPACITY AS PARTNER OR JOINT VENTURER OF SAGE ASSOCIATES AND INDIVIDUALLY AS BENEFICIARY OF SAGE ASSOCIATES;

MARTIN A. SAGE, IN HIS CAPACITY AS PARTNER OR JOINT VENTURER OF SAGE ASSOCIATES AND INDIVIDUALLY AS BENEFICIARY OF SAGE ASSOCIATES; AND

ANN M. SAGE PASSER, IN HER CAPACITY AS PARTNER OR JOINT VENTURER OF SAGE ASSOCIATES AND INDIVIDUALLY AS BENEFICIARY OF SAGE ASSOCIATES,

Defendants.

---

**NOTICE OF MEDIATOR SELECTION**

---

On November 10, 2010, this Court entered the Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order (the “Order”)<sup>1</sup> [Adv. Pro. No. 08-01789 (SMB), Dkt. No. 3141]. Pursuant to the Notice of Applicability filed by Plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), in this Adversary Proceeding on November 30, 2010 [Dkt. No. 2], the Order and the avoidance procedures contained therein (the “Avoidance Procedures”) are applicable to the instant matter.

---

<sup>1</sup> All terms not defined herein shall be given the meaning ascribed to them in the Order.

Pursuant to the Avoidance Procedures, on September 17, 2019 the Trustee filed with this Court the Notice of Mediation Referral [Dkt. No. 100], wherein the Trustee and Defendants (the "Parties") jointly agreed to enter mediation based upon completion of discovery without further court order.

Through this Notice of Mediator Selection, and pursuant to the Avoidance Procedures and the Mediation Order, made applicable to the Parties upon the filing of the Notice of Mediation Referral, the Parties hereby mutually select from the Mediation Register the Honorable Melanie L. Cyganowski (retired), from the law firm of Otterbourg, Steindler, Houston & Rosen, P.C., to act as Mediator in this matter. The Parties further agree to contact the Honorable Melanie L. Cyganowski (retired) as soon as practicable after this Notice of Mediator Selection is filed with the Court.

The Parties further agree that no person shall act as Mediator if that person, or that person's law firm, currently represents a party with respect to the BLMIS proceeding, unless the Parties provide prior written consent that the person may act as Mediator.

Pursuant to the Avoidance Procedures, the Parties agree that this mediation will conclude within 120 days from the date that this Notice of Mediator Selection is filed, unless that deadline is extended by mutual consent of the Parties and the Mediator.

Dated:           New York, New York  
                  October 1, 2019

/s/ Nicholas J. Cremona  
Baker & Hostetler LLP  
45 Rockefeller Plaza  
New York, NY 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201  
David J. Sheehan  
Email: dsheehan@bakerlaw.com  
Nicholas J. Cremona

/s/ Andrew B. Kratenstein  
McDermott Will & Emery LLP  
340 Madison Avenue  
New York, NY 10173-1922  
Telephone: (212) 547-5695  
Andrew B. Kratenstein  
AKratenstein@mwe.com  
Darren Azman

Email: [ncremona@bakerlaw.com](mailto:ncremona@bakerlaw.com)  
Michael A. Sabella  
Email: [msabella@bakerlaw.com](mailto:msabella@bakerlaw.com)

[DAzman@mwe.com](mailto:DAzman@mwe.com)  
Michael Hutterlocher  
[MHutterlocher@mwe.com](mailto:MHutterlocher@mwe.com)

*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities  
LLC and the Estate of Bernard L. Madoff*

*Attorneys for Defendants*